

**House Government Oversight Committee
October 30 & 31, 2006
Room 102, Supreme Court Consultation Room, State Capitol Building**

The House Government Oversight Committee met October 30 & 31, 2006, in the Supreme Court Chamber at the Capitol. Chair Representative Alons called the meeting to order at 11:05 a.m. Other House members present were:

HOUSE MEMBERS

Representative, Joe Hutter, VC
Representative Vicki Lensing, RM
Representative Clel Baudler
Representative George Eichhorn
Representative Jamie Van Fossen
Representative Roger Thomas
Representative Wes Whitead
Representative Cindy Winckler

OVERVIEW

The meeting was conducted as a separate meeting of the House Standing Committee on Government Oversight, with attending members of the Senate Standing Committee on Government Oversight invited as guests.

JUVENILE TRANSFER PROCESS

Marilyn Lantz, Chief Juvenile Court Officer for the Fifth Judicial District, and Mary Nelson and Jim Krogman, Department of Human Services (DHS), addressed the Committee regarding procedures and issues relating to the transfer of juveniles from county detention centers to the State Training Schools (STS) at Eldora and Toledo. Admission criteria to the STS was summarized, with the notation that they were established several years ago in an effort to ensure that the STS received and served youth with relatively serious criminal backgrounds or who had previously been unsuccessfully placed in other treatment programs. It was explained that the number of available beds at the STS are divided between the eight judicial districts, with each district capped regarding regular commitments, that currently waiting lists for admission are not maintained, and that the eight chief juvenile court officers meet on a regular basis and have the flexibility to allocate beds between them if circumstances so warrant. Ms. Nelson indicated that the admissions process is similar at the two facilities, but that the populations served at Toledo are broader and that bed availability is tighter there. It was noted that Eldora performs approximately 120 court-ordered evaluations per year. The need for additional mental health services professionals was identified as contributing to admission delays, with only one psychiatrist currently engaged in that capacity. Committee discussion included inquiry into the average daily costs for juveniles placed at the STS, a comparison of the costs to those in other states, responsibility for transportation costs to the facilities, housing options for juveniles awaiting admission, and the average length of stay at the facilities and percentage estimates for eventual adult prison incarceration. Discussion of the need to develop strategies to cope with

federal law changes resulting in an increased number of required evaluations, and efforts to address the evaluation process delay currently being experienced, occurred, and it was noted that development of a new process for compiling and evaluating data for program assessment and accountability is currently underway.

DISCRIMINATORY EMPLOYMENT PRACTICE ALLEGATIONS

Beverly Clark, Ylonda Shook, and Dorothy Polk appeared before the Committee to relate allegations of discriminatory employment practices employed by the Iowa Department of Workforce Development (IWD). Ms. Clark stated that while employed at IWD she experienced 56 instances of being passed over for a promotion. She indicated that a customer service test was required when applying for an opening at IWD, that the test was found to be racially biased, and that the State either knew or should have known of that fact. Ms. Clark said that administration of the test was suspended for internal candidates after she voiced complaints, but continued to be utilized for external applicants for a subsequent period of time. After suspension of the test, she contended that she observed individuals with less education and experience than she possessed being promoted for positions she applied for, and that she felt discriminated against both racially and personally. Ms. Shook informed the Committee that she had taken the test on two occasions when applying for positions at IWD, and in both instances received a phone call informing her that she had not received a passing score. She stated that she subsequently learned after Ms. Clark's discrimination claim had been filed that she had successfully passed the tests. Ms. Polk explained that after serving in temporary positions at IWD her employment was terminated, despite having been told she was an excellent worker. Committee discussion included the educational and employment histories of the women, lack of feedback regarding unsuccessful passage of the examinations and the lack of test score notification, the nature of the test and its characterization as "no wrong answer" in nature, positive performance appraisals having been received, and actions taken internally to voice their concerns. Additional discussion included the extent to which the test was administered in other departments, whether it continues to be utilized, whether state employment practices should be reexamined regarding agency discretion, the demographic make-up of IWD personnel, and job security issues relating to the allegations of discrimination.

Following this presentation, William Angrick, State Ombudsman, expressed concern that legislation passed during the 2006 legislative session did not extend whistleblower protection to State and local workers covered by employee unions, and encouraged putting such protection in place. Additionally, Ms. Nancy Berggren, Department of Administrative Services (DAS), responded to the inquiry regarding usage of the customer service test, indicating that the test was discontinued for internal candidates at IWD in 2002, for external candidates in 2003, was used elsewhere on a limited basis, and is not being utilized now. She outlined the general screening process for posted merit-based positions, indicating that DAS forwards a preliminary list of eligible candidates to an agency for the subsequent application of more specific criteria concerning the desired combination of education and experience sought for the particular position. The Committee requested that additional information be provided regarding the video test.

RECESSED

Representative Alons recessed the meeting at 2:50 p.m.

October 31, 2006

Representative Alons called the meeting to order at 9:05 a.m.

TRANSFER OF STATE PAYMENT PROGRAM CASES TO COUNTIES

Central Point Coordinator (CPC) county representatives and DHS personnel discussed concerns and issues relating to the transfer of State Payment Program mental health cases to counties of residence effective October 1, 2006 pursuant to legislation passed during the 2006 legislative session. Ms. Patty Erickson-Puttmann, CPC, Woodbury County, summarized CPC responsibilities, and identified as major concerns a reduction in current expenditures by ten percent through unidentified means, and the elimination of reimbursement for payment of medications after a ninety-day period. She indicated that the counties do not object to case management at the county level, but have significant concerns regarding the financial ramifications of the transfer. Mr. Craig Wood, CPC, Linn County, agreed that counties are not objecting to the transfer, but maintain that an insufficient amount has been appropriated, that the legislation provides that the State shall retain responsibility beyond the appropriated amount, that a funding shortfall exists, and that county management will require a supplemental appropriation to fully fund the transfer process. It was noted that a transfer implementation date of July 1, 2007, as originally proposed, would have afforded more time to develop accurate financial estimates and identify opportunities for cost savings, that DHS has made adjustments to projected costs which differ from county estimates, and that a waiting list for State Payment Program clients via administrative rule has been proposed by the Department in the event the Program becomes fully encumbered. Services are currently being maintained. Key aspects of the current funding formula for mental health services were reviewed, with emphasis on the fact that the cap on the amount which can be raised by a county through property taxation curtails the ability by counties to recover costs, triggering reliance on the allowable growth amount or a county's unspent funding balance. Committee discussion included the prospect of curtailing services and the order of curtailment, notification procedures when clients discontinue medication, and the prospects of a required departmental report by December 1st adequately addressing the issue.

Ms. Mary Nelson, accompanied by Mr. Jim Overland, DHS, provided background information relating to the transfer of case management to counties. Ms. Nelson summarized the process whereby transfer cost estimates were developed and modified. Mr. Overland underscored that the intent of the transfer is to provide a better and more locally administered "one-tier" system, that it is anticipated that cost-savings opportunities at the county level exist, that the ten percent cost reduction figure is an estimate which would not be uniformly or arbitrarily applied, that actual expenditures will be reimbursed, and that the result of the transfer will be better managed as opposed to reduced cases. He maintained that the county estimates were based on historical cost figures, cited the State's Indigent Drug Program as a significant savings opportunity, and emphasized that the Department's intent is to proceed in partnership with counties and not leave them adversely impacted financially.

WIRELESS E911 PHASE II DEPLOYMENT.

John Benson and David Miller, Department of Public Defense/Homeland Security and Emergency Management Division, updated the Committee regarding implementation of the wireless E911 Phase II deployment. Mr. Benson distributed a map indicating that Phase II services facilitating the capacity to pinpoint caller location have currently been deployed in 93

counties, and that the service will be operational across the entire State by January 1, 2007. He reviewed a revenue and expenditures chart for the third quarter of 2006, discussed the upcoming establishment of links with Wisconsin and Illinois, and identified the upgrading from analog to data circuitry as a possible usage for carryover funds. Committee discussion included the merits of allocating funding for public education of the existence of Phase II capability vs. better training of dispatchers, with a lack of consistent dispatcher response identified as a problem. Mr. Miller discussed the importance of achieving communications interoperability between command centers through interconnecting technology.

ADJOURNED

Representative Alons adjourned the meeting at 12:25 p.m.